

Remarks

1. Summary of the Office Action

In the office action mailed March 30, 2007, the Examiner rejected claims 1-12, 14-16, 18-21, and 23-30 under 35 U.S.C. § 103(a) as being allegedly obvious over U.S. Patent Application Pub. No. 2001/0031621 (Schmutz) in view of U.S. Patent No. 5,987,304 (Latt). Further, the Examiner rejected claims 13, 17, and 22 under 35 U.S.C. § 103(a) as being allegedly obvious over Schmutz in view of Latt in view of U.S. Patent No. 6,463,298 (Sorenson).

2. Status of the Specification

Applicant has amended the specification to correct a typographical error at page 18, line 9, where the specification stated that processor 365 could determine the operating system based on the frequency of a wireless signal received from "mobile device 350." As the preceding discussion in the specification makes clear, processor 365 may detect the frequency of the signal that the repeater receives from the base transceiver station and may use that detected frequency as a basis to identify the system and thus the applicable forward link and reverse link frequencies the repeater should use (and others that it should filter out). Thus, Applicant has amended the specification to correctly state "BTS 305" instead of "mobile device 350."

Applicant has also amended the specification to incorporate the language of claim 24, as permitted by the M.P.E.P. In particular, the specification had stated that the controller and signal processing device may be combined as a single entity, and claim 24 recited that the signal processing device and the controller are included in a single electronic component. Accordingly, Applicant has amended the specification to state that the controller and signal processing device may be combined as a single entity, such as in a single electronic component.

3. Status the Claims

Applicant has cancelled claim 15, although, by doing so, Applicant does not give up coverage for embodiments of other claims that include the limitations of cancelled claim 15.

Applicant has amended claim 18 to correct a typographical error where the claim recited "the mobile device" instead of the "the base transceiver station." The context of the claim makes clear that the term "the mobile device" should have been "the base transceiver station" as now amended. Applicant has also added a semicolon to claim 18.

Applicant has amended claims 25 and 26 to add the word "and" between the final two clauses of each claim.

Applicant has amended claim 27 to remove an extraneous hyphen before the term "reverse-link".

Now pending are claims 1-14 and 16-30, of which claims 1, 18, and 25 are independent and the remainder are dependent.

4. Response to Rejections

The Examiner has rejected each of the independent claims as being allegedly obvious over Schmutz in view of Latt. Applicant submits that these rejections are improper and should be withdrawn, because the invention recited in the independent claims does not logically follow from the teachings of Schmutz and Latt.

The independent claims recite the invention as a wireless repeater and method, where the repeater determines one or more attributes of a wireless signal received from a BTS, such as a frequency of the signal and/or information indicating a wireless provider, and, by comparison the one or more attributes with a reference list, the repeater selects one or more operating frequencies and filters out other frequencies. This arrangement is not suggested by Schmutz or Latt, and the arrangement does not follow logically from the disclosures of either Schmutz or

Latt. Consequently, the Examiner has not established *prima facie* obviousness of the independent claims over Schmutz in view of Latt.

Schmutz teaches a system in which a BTS transmits to a wireless repeater a list of frequencies for the wireless repeater to use, and the repeater uses those frequencies. That arrangement is in stark contrast to the invention recited in Applicant's claims. For instance, the Schmutz arrangement does not involve having a repeater detect one or more attributes of a wireless signal received from a BTS, such as a frequency of the wireless signal or information indicating a wireless service provider. Furthermore, the Schmutz arrangement does not involve storing any reference list for comparison to such attributes. Thus, Schmutz necessarily fails to compare determined attributes with a reference list as recited in the independent claims.

In rejecting the claims, the Examiner relied on paragraphs 44-46 of Schmutz as allegedly teaching a repeater determining an attribute of a wireless signal received from a base station, such as a frequency of the wireless signal. However, paragraphs 44-46 do not teach that function. At best, paragraphs 44-46 of Schmutz teach that the controller of a repeater controls what receive and transmit frequencies are used by the repeater, and further teach that the repeater receives at particular frequencies, converts signals, and transmits them to mobile stations. Applying a band pass filter that is controllably set at a particular frequency to receive or transmit signals within a particular frequency range does not involve detecting the frequency of a received wireless signal. It merely involves filtering out unwanted frequencies.

Furthermore, also in rejecting the claims, the Examiner relied on paragraphs 51-63 of Schmutz as allegedly teaching storing of a reference list that includes a list of one or more preferred frequency bandwidths to be amplified and transmitted. In particular, the Examiner asserted that this function is disclosed by Schmutz teaching a BTS sending a transmission list of frequencies to the repeater. However, Schmutz does not mention anything about storing the received list of received frequencies as a reference list of any sort, and Schmutz certainly does

not mention anything about storing the received list of frequencies as a reference list that is used for comparison with determined attributes of a received wireless signal in order to determine one or more frequencies at which the repeater should operate.

Indeed, modifying Schmutz to say that Schmutz's received list of frequencies would be used for comparison with determined attributes of a received wireless signal in order to determine one or more frequencies at which the repeater should operate would not make sense, since the received list of frequencies itself already specifies the frequencies at which the repeater should operate.

Still further, the Examiner has admitted that Schmutz fails to teach the independent claim function of comparing the one or more determined attributes of the received wireless signal with a reference list and, based on the comparison, selecting operating frequencies and so forth as recited in the claims. The Examiner then turned to Latt in an effort to overcome this deficiency. In particular, the Examiner relied on Latt's teaching of a band pass filter passing an entire incoming signal that coincides with the filter band (at column 3, lines 25-30) and Latt's teaching of varying the overlap pass band of the repeater (at column 3, lines 32-52). However, these teachings do not make up for the admitted deficiency of Schmutz, as these teachings similarly do not involve comparing one or more determined attributes of a received wireless signal with a reference list and setting and applying one or more frequency bandwidths of the repeater in accordance with the comparison.

Schmutz and Latt both describe remotely controlling or configuring a wireless repeater. However, neither reference, nor the combination of references, involves the innovative features of Applicant's claims. Furthermore, Applicant's claimed invention does not follow logically from the teachings of Schmutz and Latt. And still further, as discussed above, it would be illogical to modify the disclosure of Schmutz in the manner apparently contemplated by the

Examiner. Consequently, the Examiner has not established *prima facie* obviousness of the independent claims over Schmutz and Latt.

For at least these reasons, Applicant submits that the independent claims are allowable. In addition, without conceding the Examiner's assertions regarding the dependent claims, Applicant submits that the dependent claims are allowable for at least the reason that they depend from the allowable independent claims.

Accordingly, Applicant respectfully requests favorable reconsideration and allowance of all of the pending claims.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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Dated: June 15, 2007

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